

REMARKS

The present application has been reviewed in light of the Office Action dated January 11, 2008. Claims 1-7 are presented for examination, of which Claims 1 and 6 are in independent form. Favorable reconsideration is requested.

Initially, for clarification of the record, Applicants note that the Office Action appears to reference the filing of a terminal disclaimer in the instant application (Office Action page 3, “Based upon the facts established by the accompany of a terminal disclaimer”). However, Applicants have not filed a terminal disclaimer. Applicants’ response, filed on October 17, 2007 page 10, merely states that “[i]n order to advance the prosecution of the present application and issuance of the claims, Applicants will file a terminal disclaimer should the claims be deemed allowable and if appropriate under 37 C.F.R. 1.321.”

The Office Action rejected Claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,747,546 (*Hikita*), in view of U.S. Patent Number 4,868,849 (*Tamaoki*), and in view of U.S. Patent Number 6,016,484 (*Williams et al.*), hereinafter “*Williams*.” Applicants respectfully traverse this rejection and submit that independent Claims 1 and 6, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Different Data Set Formats

Claim 1 recites, in part, “adding to a database, a first calling card data set of a first format . . . [and] adding to a database, a second calling card data set of a second

format . . . [wherein] said first format is different from said second format,” (emphasis added).

On page 4 the Office Action states:

A memory 17 divided into several memory areas 17-1 to 17-n configured to store ID number of different providers (considered as functionally equivalent to the claimed “at least a first data storage area configured to store a first calling card number in a first format and a second data storage area configured to store a second calling card number in a second format different from said first format”) {see Hikita et al, column 4, lines 16-44+};

(Emphasis added).

Applicants have carefully studied *Hikita* and are unable to agree with the Office Action’s characterization of that reference for the following reasons. The Office Action appears to equate the claimed first and second different formats for storing calling card numbers with *Hikita*’s memory ID numbers used to permit access from different providers to the memory areas 17-1 to 17-n on an IC card 3. However, Applicants respectfully submit that *Hikita*’s use of an ID number to permit access to a memory area fails to relate in any fashion to the format of the data stored in that memory area, let alone teach or reasonably suggest storing data sets using different formats, as recited in Claim 1. The cited portions of *Hikita*, and *Hikita* as a whole, are not understood to teach or reasonably suggest storing the data in *Hikita*’s IC card 3 memory areas using different formats.

Tamaoki and *Williams* both fail to cure the deficiencies identified above with regard to *Hikita*. In particular, nothing has been found in *Tamaoki* or *Williams* that

is understood to address how *Hikita's* IC card 3 storage structure would need to be modified to support different formats.

For at least these reasons, Applicants submit that the Office Action has failed to sufficiently establish a *prima facie* case of obviousness against Claim 1, and that the proposed combination of *Hikita*, *Tamaoki*, and *Williams*, even if deemed legally permissible or technically feasible, would fail to arrive at the transaction instrument of Claim 1 supporting different data set formats for facilitating a calling card call. Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

Should the Office maintain this rejection despite the foregoing, Applicants respectfully request the Office to explain in detail specifically what portion of *Hikita* teaches or reasonably suggests storing data in *Hikita's* IC card 3 memory areas using different formats, or how *Hikita's* IC card 3 could be reconstructed according to *Tamaoki* and *Williams* to incorporate storing data in *Hikita's* IC card 3 memory areas using different formats.

Header Identifying a Status Condition

Claim 1 recites, in part, “adding a header to at least one data [set]...the header identifying...a status condition of the...data [set].”

The Office Action admits that both *Hikita* and *Tamaoki* fail to disclose the claimed header status condition, (Office Action page 5, “Hikita et al. in view of Tamaoki does not disclose adding a header to at least one of said first and second call carrier data

sets, the header identifying at least a status condition . . .”). The Office Action then looks to *Williams* for this teaching.

On page 5, the Office Action states:

Williams teaches a certificate form obtains the information necessary for creating a certificate granting authority to utilize an instrument with a report header 2660 entry field that allows a user to enter information for a display as a title (i.e. annotation) for the report (i.e. call carrier data set) (column 36, lines 33 to 67; see Figure 26) in order to a customize display to specific transaction records.

(Underlining emphasis added).

The Office Action then reaches the conclusion that:

. . . it would have been obvious to a person of ordinary skill in the art to recognize to add annotation to the data set to identify the transaction title in the report taught by *Williams et al.* in the data communication system that facilitating a transaction using a plurality of data sets on a calling card of *Hikita et al.* in view of *Tamaoki* because having a report header entry field to add annotation to the data set as the title for the report would improve functionality to create a customize to specific transaction records.

Applicants respectfully disagree with the Office Action’s characterization of *Williams*. Initially, the Office Action’s proposed combination of *Hikita*, *Tamaoki*, and *Williams* fails to even address the claimed feature of “adding a header to at least one data [set]...the header identifying...a status condition of the...data [set],” as recited by Claim 1 (emphasis added). Instead, the Office Action appears to assert that it would have been obvious to add a header containing a report title to *Hikita*’s stored data sets, and thus fails to address the claimed status condition feature. Applicants respectfully submit that a report title is simply not analogous to a status condition. Furthermore, *Williams* as a

whole is not believed to teach or reasonably suggest “adding a header to at least one data [set]...the header identifying...a status condition of the...data [set],” as recited by Claim 1.

For at least these additional reasons, Applicants submit that the Office Action has failed to sufficiently establish a *prima facie* case of obviousness against Claim 1, and that the proposed combination of *Hikita*, *Tamaoki*, and *Williams*, even if deemed legally permissible or technically feasible, would fail to arrive at the transaction instrument of Claim 1.

Independent Claim 6 includes features similar to that discussed above with respect to claim 1. Therefore, that claim is also believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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